

EXHIBIT C

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 MATTHEW CAMPBELL, MICHAEL
19 HURLEY, and DAVID SHADPOUR,

20 Plaintiffs,

21 v.

22 FACEBOOK, INC.,

23 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' SECOND SET OF
INTERROGATORIES**

1 Defendant Facebook, Inc. (“Defendant” or “Facebook”), by and through its attorneys, and
2 pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Local Civil Rules of the U.S.
3 District Court for the Northern District of California, the Court orders in this action, and the parties’
4 agreements, provides the following responses and objections to Plaintiffs’ Second Set of
5 Interrogatories (the “Interrogatories”).

6 **PRELIMINARY STATEMENT**

7 1. Facebook’s responses to the Interrogatories are made to the best of Facebook’s current
8 knowledge, information, and belief. Facebook reserves the right to supplement or amend any of its
9 responses should future investigation indicate that such supplementation or amendment is necessary.

10 2. Facebook’s responses to the Interrogatories are made solely for the purpose of and in
11 relation to this action. Each response is given subject to all appropriate objections (including, but not
12 limited to, objections concerning privilege, competency, relevancy, materiality, propriety, and
13 admissibility). All objections are reserved and may be interposed at any time.

14 3. Facebook’s responses are premised on its understanding that Plaintiffs seek only that
15 information that is within Facebook’s possession, custody, and control.

16 4. Facebook incorporates by reference each and every general objection set forth below
17 into each and every specific response. From time to time, a specific response may repeat a general
18 objection for emphasis or some other reason. The failure to include any general objection in any
19 specific response shall not be interpreted as a waiver of any general objection to that response.

20 5. Nothing contained in these Responses and Objections or provided in response to the
21 Interrogatories consists of, or should be construed as, an admission relating to the accuracy,
22 relevance, existence, or nonexistence of any alleged facts or information referenced in any
23 Interrogatory.

24 **GENERAL OBJECTIONS**

25 1. Facebook objects to each Interrogatory, including the Definitions and Instructions, to
26 the extent that it purports to impose obligations beyond those imposed by the Federal Rules of Civil
27 Procedure, the Federal Rules of Evidence, the Local Civil Rules of the U.S. District Court for the
28 Northern District of California, and any agreements between the parties.

1 2. Facebook objects to each Interrogatory to the extent that it is not limited to the
2 relevant time period, thus making the Interrogatory overly broad, unduly burdensome, and not
3 relevant to the claims or defenses in this action. Unless otherwise specified in its responses, and
4 pursuant to the agreement of the parties, Facebook's responses will be limited to information
5 generated between April 1, 2010 and December 30, 2013.

6 3. Facebook objects to each Interrogatory to the extent that it seeks information unrelated
7 and irrelevant to the claims or defenses in this litigation and not reasonably calculated to lead to the
8 discovery of admissible evidence.

9 4. Facebook objects to each Interrogatory as overly broad and unduly burdensome,
10 particularly in view of Facebook's disproportionate cost necessary to investigate as weighed against
11 Plaintiffs' need for the information. The Interrogatories seek broad and vaguely defined categories of
12 materials that are not reasonably tailored to the subject matter of this action.

13 5. Facebook objects to each Interrogatory to the extent that it purports to request the
14 identification and disclosure of information or documents that were prepared in anticipation of
15 litigation, constitute attorney work product, reveal privileged attorney-client communications, or are
16 otherwise protected from disclosure under any applicable privileges, laws, or rules. Facebook hereby
17 asserts all such applicable privileges and protections, and excludes privileged and protected
18 information from its responses to each Interrogatory. *See generally* Fed. R. Evid. 502; Cal. Code
19 Evid. § 954. Inadvertent production of any information or documents that are privileged or otherwise
20 immune from discovery shall not constitute a waiver of any privilege or of any other ground for
21 objecting to the discovery with respect to such information or documents or the subject matter
22 thereof, or the right of Facebook to object to the use of any such information or documents or the
23 subject matter thereof during these or any other proceedings. In the event of inadvertent disclosure
24 of any information or inadvertent production or identification of documents or communications that
25 are privileged or otherwise immune from discovery, Plaintiffs will return the information and
26 documents to Facebook and will be precluded from disclosing or relying upon such information or
27 documents in any way.

28 6. Facebook objects to each and every Interrogatory to the extent that the information

1 sought by the Interrogatory is more appropriately pursued through another means of discovery, such
2 as a request for production or deposition.

3 7. Facebook objects to each and every Interrogatory, Definition, and Instruction to the
4 extent that it seeks information outside of Facebook's possession, custody, and control.

5 8. Facebook objects to each Interrogatory to the extent that it requests information
6 protected by the right of privacy of Facebook and/or third parties, or information that is confidential,
7 proprietary, or competitively sensitive.

8 9. Facebook objects to each Interrogatory to the extent that it seeks documents or
9 information already in Plaintiffs' possession or available in the public domain. Such information is
10 equally available to Plaintiffs.

11 10. Facebook objects to each Interrogatory on the ground and to the extent that it exceeds
12 the bounds of Federal Rule of Civil Procedure 33(a)(1), which provides that "a party may serve on
13 any other party no more than 25 written interrogatories, including all discrete subparts."

14 **OBJECTIONS TO DEFINITIONS**

15 1. Facebook objects to Plaintiffs' definition of "Association" to the extent that it is
16 vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition
17 to the extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to
18 the claims and defenses in this action.

19 2. Facebook objects to Plaintiffs' definition of "Association Type" or "(atype)" to the
20 extent that it is vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects
21 to the definition to the extent that Plaintiffs purport to use this defined term to seek materials that are
22 not relevant to the claims and defenses in this action.

23 3. Facebook generally objects to Plaintiffs' definitions of "Communication,"
24 "Document(s)," "Electronic Media," "ESI," "Electronically Stored Information," "Identify," and
25 "Metadata" to the extent that Plaintiffs purport to use these defined terms to request the identification
26 and disclosure of documents that: (a) were prepared in anticipation of litigation; (b) constitute
27 attorney work product; (c) reveal privileged attorney-client communications; or (d) are otherwise
28 protected from disclosure under any applicable privileges, laws, and/or rules. Facebook further

1 objects to the extent that these definitions purport to impose obligations that go beyond the
2 requirements of the Federal and Local Rules.

3 4. Facebook objects to Plaintiffs' definition of "Destination Object" or "(id2)" to the
4 extent that it is vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects
5 to the definition to the extent that Plaintiffs purport to use this defined term to seek materials that are
6 not relevant to the claims and defenses in this action.

7 5. Facebook objects to Plaintiffs' definition of "(id)" to the extent that it is vague,
8 ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition to the
9 extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to the
10 claims and defenses in this action.

11 6. Facebook objects to Plaintiffs' definition of "Key -> Value Pair" to the extent that it is
12 vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition
13 to the extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to
14 the claims and defenses in this action.

15 7. Facebook objects to Plaintiffs' definition of "Object" to the extent that it is vague,
16 ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition to the
17 extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to the
18 claims and defenses in this action.

19 8. Facebook objects to Plaintiffs' definition of "Object type" or "(otype)" to the extent
20 that it is vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects to the
21 definition to the extent that Plaintiffs purport to use this defined term to seek materials that are not
22 relevant to the claims and defenses in this action.

23 9. Facebook objects to Plaintiffs' definition and use of the term "Person" as vague,
24 ambiguous, overly broad, and unduly burdensome to the extent that Plaintiffs intend to use this term
25 to include "any natural person or any business, legal or governmental entity or association" over
26 which Facebook exercises no control.

27 10. Facebook objects to Plaintiffs' definition of "Process" to the extent that it is vague,
28 ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition to the

1 extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to the
2 claims and defenses in this action.

3 11. Facebook objects to Plaintiffs' definition of "Private Message(s)" to the extent that it
4 is vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects to the
5 definition to the extent that Plaintiffs purport to use this defined term to seek materials that are not
6 relevant to the claims and defenses in this action.

7 12. Facebook objects to Plaintiffs' definitions of "Relate(s) to," "Related to" and
8 "Relating to" on the ground that the definitions make the Interrogatories overly broad and unduly
9 burdensome and impose obligations that go beyond the requirements of the Federal and Local Rules.
10 Facebook shall construe these terms as commonly and ordinarily understood.

11 13. Facebook objects to Plaintiffs' definition of "Source Object" or "(id1)" to the extent
12 that it is vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects to the
13 definition to the extent that Plaintiffs purport to use this defined term to seek materials that are not
14 relevant to the claims and defenses in this action.

15 14. Facebook objects to Plaintiffs' definition and use of the terms "You," "Your," or
16 "Facebook" as vague, ambiguous, overly broad, and unduly burdensome to the extent the terms are
17 meant to include "directors, officers, employees, partners, members, representatives, agents
18 (including attorneys, accountants, consultants, investment advisors or bankers), and any other person
19 purporting to act on [Facebook, Inc.'s] behalf. . . . parents, subsidiaries, affiliates, predecessor
20 entities, successor entities, divisions, departments, groups, acquired entities and/or related entities or
21 any other entity acting or purporting to act on its behalf" over which Facebook exercises no control,
22 and to the extent that Plaintiffs purport to use these terms to impose obligations that go beyond the
23 requirements of the Federal and Local Rules.

24 **OBJECTIONS TO "RULES OF CONSTRUCTION" AND INSTRUCTIONS**

25 1. Facebook objects to Plaintiffs' "Rules of Construction" and "Instructions" to the
26 extent they impose obligations that go beyond the requirements of the Federal and Local Rules.

27 2. Facebook objects to Plaintiffs' Instruction No. 2 to the extent that it is not limited to
28 the relevant time period, thus making the Instruction overly broad, unduly burdensome, and not

1 relevant to the claims or defenses in this action. Unless otherwise specified in its responses, and
2 pursuant to the agreement of the parties, Facebook's response will be limited to information
3 generated between April 1, 2010 and December 30, 2013.

4 3. Facebook objects to Plaintiffs' Instruction No. 6 as ambiguous and unduly
5 burdensome. Facebook further objects to the instruction to the extent it exceeds the requirements of
6 the Federal and Local Rules.

7 **OBJECTION TO PURPORTED "RELEVANT TIME PERIOD"**

8 Facebook objects to Plaintiffs' proposed "Relevant Time Period" (September 26, 2006
9 through the present) because it substantially exceeds the proposed class period identified in Plaintiffs'
10 Consolidated Amended Complaint, does not reflect the time period that is relevant to Plaintiffs'
11 claims in this action, and renders the Interrogatories overly broad, unduly burdensome, and irrelevant.
12 Unless otherwise specified, and pursuant to the agreement of the parties, Facebook's Responses to
13 these Interrogatories will be limited to information generated between April 1, 2010 and December
14 30, 2013. Facebook otherwise objects to the remainder of Plaintiffs' statement regarding the
15 "Relevant Time Period" to the extent that it purports to impose obligations beyond those imposed by
16 the Federal and Local Rules.

17 **SPECIFIC RESPONSES AND OBJECTIONS**

18 **INTERROGATORY NO. 8:**

19 Identify all facts relating to the Processing of each Private Message sent or received by
20 Plaintiffs containing a URL¹, including, for each Private Message:

- 21 (A) all Objects that were created during the Processing of the Private Message, including
22 the (id) and the Object Type for each Object, as well as any Key -> Value Pair(s)
23 contained in each Object;

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27 ¹ Each such Private Message has been identified by each Plaintiff in Exhibit 1 to his respective Objections and
28 Responses to Defendant's First Set of Interrogatories.

- 1 (B) all Objects that were created specifically when the embedded URL was shared,
2 including the (id) and the Object Type for each Object, as well as any Key -> Value
3 Pair(s) contained in each Object;
- 4 (C) all Associations related to each Private Message, identified by the Source Object,
5 Association Type, and Destination Object, as well as any Key -> Value Pair(s)
6 contained in each Association;
- 7 (D) the database names and table names in which each Association and Object is stored;
- 8 (E) each application or feature in Facebook that uses the Objects or Associations created
9 for each Private Message; and
- 10 (F) how each Object associated with the Private Message was used by Facebook.

11 **RESPONSE TO INTERROGATORY NO. 8:**

12 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
13 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
14 forth in this Response. Facebook further objects to this Interrogatory on the following additional
15 grounds:

16 (A) The Interrogatory is vague and ambiguous in its use of the terms and phrases
17 “Processing”; “Private Message”; “Objects”; “(id)”; “Object Type”; “Key -> Value Pair(s)”; “Objects
18 that were created specifically when the embedded URL was shared”; “Associations”; “Source
19 Object”; “Association Type”; “Destination Object”; “database names and table names”; and
20 “application or feature.”

21 (B) The Interrogatory is compound.

22 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
23 this action to the extent it concerns practices other than those challenged in this action (the alleged
24 increase in the Facebook “Like” count on a website when the URL for that website was contained in
25 a message transmitted through Facebook’s Messages product during the class period).

26 (D) The Interrogatory is vague, unduly burdensome, and overly broad in that it purports to
27 seek “all facts relating to the Processing of each Private Message sent or received by Plaintiffs
28 containing a URL.”

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(E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or proprietary company information.

(F) The Interrogatory exceeds the bounds of Federal Rule of Civil Procedure 33(a)(1), which provides that “a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts.”

Subject to and without waiving the foregoing general and specific objections, and subject to the ongoing nature of discovery in this action, Facebook responds as follows:

Facebook refers Plaintiffs to Facebook’s Responses and Objections to Plaintiffs’ Interrogatory Nos. 2, 3, and 4. Facebook also will meet and confer with Plaintiffs’ counsel to determine the proper scope of this overly broad and ambiguous Interrogatory.

DATED: June 29, 2015

GIBSON, DUNN & CRUTCHER LLP

By: _____
Joshua A. Jessen

Attorneys for Defendant FACEBOOK, INC.

1 **PROOF OF SERVICE**

2 I, Ashley M. Rogers, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On June 29, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S RESPONSES AND OBJECTIONS TO**
6 **PLAINTIFFS’ SECOND SET OF INTERROGATORIES**

7 on the parties stated below, by the following means of service:

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- BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses as shown above.
- I am employed in the office of Joshua A. Jessen and am a member of the bar of this court.
- I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 29, 2015.

_____/s/_____

Ashley M. Rogers